

About
**POLITICAL
CORRUPTION**

The Records of the Two
Parties Compared



1904?

Mr. Whitney closes his eyes and refuses to discern
anything wrong in Tory crookedness



POLITICAL CORRUPTION

RECORD OF THE TWO PARTIES

A fair test of the political morality of Liberals and Conservatives would be a comparison of the results of the election trials since Confederation. There seems to be a prevailing impression that the political morality of the country is declining. Taking the report of the election courts of the members unseated since Confederation, we have the following results:—

General Elections	Liberals Unseated	Conservatives Unseated
1867	1	1
1871	2	5
1875	10	10
1879	1	5
1883	4	3
1886	2	1
1890	2	3
1894	1	4
1898	9	4
1902	4	4

Total Liberals unseated, 36.

Total Conservatives unseated, 40.

Liberal members disqualified, 3.

Conservative members disqualified, 4.

If comparisons are of any value, the Liberal record certainly means something.

THE GENERAL ELECTION OF 1902

As the election of 1902 is most recent, it is taken as a sample of the honesty of the deputy returning officers, poll clerks and constables connected with the conduct of receiving the votes of the electors.

The extent of the election machinery is shown by the following statement:—

Number of deputy returning officers, 4,191.

Number of poll clerks, 4,191.

Number of constables, 4,191.

Total, 12,573.

Number of votes cast, 427,463

Here we have 12,000 officers engaged in the election, of whom over 4,000 had the custody of the ballot-boxes and all other election papers, and notwithstanding the suspicion that has been cast upon the officers of the Government, not one of the 427,463 ballots cast were tampered with. Every ballot-box was returned as directed by law and every officer is believed to have respected his oath of office. Was there an election in the Dominion in the last twenty years when the ballots and ballot-boxes were under the control of the Conservative Government, of which as much could be said?

RECOUNTS BEFORE THE COUNTY JUDGE

Where an election is close it is not unusual for the losing party to ask for a recount in the hope that ballots may have been rejected that should not have been, or ballots miscounted or some other irregularity to be shown, which would give him the seat.

In the election of 1902 the number of constituencies in which there was a recount was 14.

The number of ballots examined was 62,805.

The number of ballots suspected of being tampered with was 4, and in regard to these, Mr. Justice McLennan expressed the belief that there was no real ground for suspicion of the ballots being marked after they were placed in the ballot box.

This record indicates unmistakably the honest management of the election.

TRIALS ARISING OUT OF THE ELECTION OF 1902

The result of the protests arising out of the election of 1902 was as follows:—

Number of Liberals unseated, 4.

Number of Conservatives unseated, 4.

One Liberal resigned (Mr. Davis) without going to trial.

Two judges gained by elections, matter in few the m These cases

CHARGE

(1) The other consi The fol this point:— Nur:be federation, Number Confederatio In the v Liberals with

(2) That ballots; that officer at the For this constituencies of 1902, the j to be correct reported, every Hall in the pr tive party and returning office acted irregular to have been co booth declared the ballots with In North W

Two Conservative members were reported by one of the trial judges guilty of personal corruption, but this finding was not sustained by the Court of Appeal. In the trial arising out of the by-elections, 3 Liberals were unseated. In the case of North York the matter in dispute is now before the Court of Appeal. In North Renfrew the member elect resigned immediately after the close of the trial. These cases are not included in the list of unseated members.

CHARGES OF ELECTORAL CORRUPTION AND OTHER IRREGULARITIES MADE AGAINST THE LIBERAL PARTY

(1) That the Liberals are guilty of bribing electors by money or other consideration.

The following is the comparative record of the Election Courts on this point:—

Number of Liberals seated for corrupt practices since Confederation, 36.

Number of Conservatives unseated for corrupt practices since Confederation, 40.

In the words of the Rev. Mr. Tapscott, let those who charge the Liberals with corrupt practices "clean their own doorstep."

SWITCHING BALLOTS

(2) That the Liberals practised what is known as "switching" ballots; that is, a miscounting of the ballots by the deputy returning officer at the close of the poll.

For this charge there is not a scintilla of evidence. In 14 constituencies in which recounts were held after the general election of 1902, the judges found the reports of the deputy returning officers to be correct in every instance. In West Elgin, where switching was reported, every ballot was examined before the High Court at Ottawa in the presence of some of the keenest lawyers in the Conservative party and found to tally exactly with the report of the deputy returning officers. Even at the polling booth at which J. G. Pritchett acted irregularly as deputy returning officer, the ballots were found to have been correctly returned, and the Tory scrutineer at this polling booth declared under oath that Pritchett could not have switched ballots without being detected, so closely was he watched. In North Waterloo 19 ballots were reported as having been marked

with a view to their rejection in the interests of the Liberal candidate; but on examination held before the police magistrate, the prosecution being conducted by a Conservative Crown Attorney, it was shown that the deputy returning officer was entirely blameless.

WEST ELGIN FRAUDS

(3) It is charged that certain frauds were committed in West Elgin which stamped the Liberal party as corrupt beyond all precedent.

This charge is mainly founded on the confession of the member elect. The whole case was fully investigated by a Royal Commission composed of two County Judges, Mr. Barron, a Liberal, and Mr. Morgan, a Conservative. In all, 211 witnesses were examined at this investigation, of whom 73 were deputy returning officers, or clerks or constables. The investigation showed that in 4 cases certain persons secured their appointment as deputy returning officers by misrepresentation, and in some cases under assumed names. Naturally suspicion would attach to such a procedure, but, as already stated, after the closest investigation by the Commission, it was not shown that a single ballot was tampered with or a false return made by any returning officers. If fraud was intended, there is no proof that fraud was committed.

(4) It is charged that ballot boxes were burned in order to prevent the exposure of frauds committed by deputy returning officers.

For this charge there is not a particle of evidence; on the contrary, the strongest challenge might be given to the Conservative party to state where and when a single ballot box was burned for such or any other purpose.

(5) It is charged that the ballots in the West Elgin election of '99 were taken out of the vaults at the Parliament Buildings and burned with a view to prevent a discovery of the frauds perpetrated in that election. This circumstance was also examined by the Royal Commission referred to, and after the examination under oath of 17 witnesses, including the officers in charge of the ballots, all of them men of good reputation, the judges found that these ballots were "inadvertently burned." The law requires the Clerk of the Crown in Chancery to destroy all ballots after one year has expired from the date of the election to which they apply. In destroying the ballots of the election of 1898 on the 1st of March, 1899 (that is, one year after the election),

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the ballots of the by-election of 1899, being kept in the same vault, were, as the judges found, inadvertently removed and destroyed, instead of being kept about nine months longer; but, as previously stated, they had been examined at Osgoode Hall, and were found correct by the judges and scrutineers who examined them; and no one has shown that, even if not destroyed, they could serve as evidence against the Liberals in an election trial.

So much for the record of the Liberal party.

CONSERVATIVE RECORD OF CORRUPT PRACTICES

Taking up the same points and in the same order, what do the Election Courts show? Have the Conservatives been guilty of bribing the electors by money or other considerations? The Election Courts, as already stated, have shown the number of Conservatives reported by the Judges for corrupt practices to have been 40. Who would have thought, from Mr. Whitney's statements and professions of political purity, that there is behind him and his party such a record as the Courts have shown?

WILLIAM SMITH AND SOUTH ONTARIO

In the General Election of 1898, the Hon. John Dryden was defeated by Mr. Charles Calder. Mr. Calder was unseated mainly on the admissions of one Baker, who undertook to make a change of 20 votes for Calder in one polling sub-division for \$100. The money was paid to him by one Luke, on the written order of William Smith, a Tory ex-M.P. In the examination Mr. Smith admitted that he spent as much as \$1,200 on behalf of Mr. Calder. Speaking of the manner in which Mr. Smith gave his evidence, Judge Osler said, "I should call it brazen." Judge Ferguson said, "Mr. Smith's evidence is the most glaring piece of corruption I ever heard." Mr. Smith at the next General Elections for the House of Commons was selected and ran as the Tory candidate for South Ontario and polled the full Tory vote of the riding.

And if we pass from Provincial to Dominion politics, that record grows into the most appalling proportions.

(a) What about the moneys received from Sir Hugh Allan, admitted by Sir John Macdonald in connection with the Pacific Scandal investigation to have amounted to \$360,000.

(b) Again in the General Election of 1887, the sums (see Han-

sard) donated by contractors to help in the Quebec Elections amounted to \$150,000, of which there was expended in Quebec County:—(Sir A. P. Caron, M.P.), \$18,500; Three Rivers (Sir Hector Langevin), \$16,800; Quebec West (Thomas McGreevy), \$8,000. These are but two illustrations of the large expenditures of Conservatives for bribery purposes.

MR. WHITNEY AND THE PURITY FUND

In the *Toronto News* of Nov. 14th, 1903, a full account is given of an organization calling itself the "Ontario Conservative Association," created for the purpose of raising a campaign fund for the assistance of candidates. It is declared on behalf of this Association, that:—"They did not hold the theory that elections could carry themselves or that even with a fair field the best man must of necessity win." This Association collected a campaign fund for the Dominion Elections of 1900 of \$19,173, but spent only the sum of \$17,717, and boasted that, as a result of this expenditure, the Conservative party had a majority of 20 in the Province.

In the Provincial Elections of 1902 the Association collected \$28,895 which, with the surplus of the preceding election, gave them \$30,851, a considerable campaign fund, everybody will admit. The statement shows, however, that only about \$24,000 of this was expended, as there remained in the treasury at the close of the election, \$6,737. The report states that \$4,633 were spent in detective work; that is, in employing Yankee detectives from Buffalo to distribute this fund where it would do the most good, and when any of them were subpoenaed, as was the case in the Lennox protest, they could skip back to Buffalo and be beyond the reach of the Canadian Courts.

MR. WHITNEY'S CONNECTION WITH THE FUND

The report in the *News* states as follows:—"When the General Elections for the Legislature last year (1902) were pending, Mr. Whitney, the Leader of the Opposition, had a conference (Mr. Whitney evidently likes conferences) with the members of the Association and asked them to undertake charge of the campaign fund in connection therewith. This was assented to." Here we have the Leader of the Conservative party entering into a contract with certain of his supporters to pay out \$30,000 for election purposes, by an Association that admitted "that the major portion of the funds sent to a constituency failed to reach the electorate." How that fund reached

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POLITICAL CORRUPTION

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the electorate has never been disclosed, but the Election Courts have shown where some of it went and the results.

In Lennox, Mr. Carscallen admitted receiving \$500, but denied the expenditure of the whole of this amount. Result, a long election trial and Mr. Carscallen held personally liable by the Judge for a corrupt act.

North Norfolk.—Mr. Snyder admitted receiving \$500, but denied the expenditure of the whole amount. Result, one person reported guilty of corrupt practices and Mr. Snyder unseated.

North York.—Mr. Lennox, the Conservative candidate, admitted receiving \$500.

North Grey.—Mr. Boyd admitted receiving \$700. No account given of how the money was expended.

Sault Ste. Marie.—Mr. Miscampbell admitted the receipt of \$2,000. No account given of how the money was expended.

Muskoka.—The sum of \$1,200 was proved to have been contributed. Three persons reported for corrupt practices. Mahaffy elected and retained his seat.

So far as the fund was traceable in the Election Courts 4 out of 6 persons who were shown to have received aid were elected, and 2 of those elected were unseated for corrupt practices. Had the existence of the fund been known at an earlier date, probably several of the petitions that were abandoned would have gone to trial. Have we not a right to hold Mr. Whitney responsible for the use made of this fund, and for the corruption which the Courts have exposed where it was expended? He distinctly authorized, so the *News* says, the Association to take charge of the fund, and is therefore answerable for the use that was made of it. Before he charges the Liberal party with corruption, might we not ask him to "clean his own doorstep?"

CONSERVATIVE PERSONATION

(2) Have the Conservatives aided and abetted the personation of voters?

It has been proved in the Courts that two seats were carried by the Conservatives by personation—West Elgin in 1898, and North Perth in 1902. Although there was personation at the Sault in the by-election in 1903—in every respect inexcusable—the Liberal candi-

date obtained a large majority, entirely independent of the personated vote.

SWITCHING BALLOTS

(3) Have the Conservatives practised "switching ballots?"

Switching ballots is only possible when the Deputy Returning Officer is a party to the transaction. The fact that no "switching" has taken place in the Ontario elections is a striking proof of the honesty of the men appointed to this office. But how about Dominion Elections, where Conservative Deputy Returning Officers had charge of the ballots? In the *North Ontario* Election of 1896, 21 ballots marked for the Liberal candidate were extracted, and 21 marked for the Conservative candidate substituted therefor; the substituted ballots were not even folded, thus showing beyond question that switching had taken place. In *South Grey*, it was proven in the recount that 7 ballot boxes were opened after the collection and 26 ballots marked for the Liberal candidate abstracted and 26 forged ballots marked for the Conservative candidate substituted. In *South Wentworth*, in the election of 1899, more ballots were found in the ballot boxes at two polling sub-divisions, when the Deputy Returning Officer opened the boxes at the close of the poll, than were recorded in the poll book. As a proof of extensive tampering with the ballots, we have this notorious fact, that in 31 Counties of Ontario there were 4,076 rejected ballots in 1896, under Conservative Deputy Returning Officers, and in the same counties in 1900, the number of rejected ballots had fallen to 951. What was the cause of this discrepancy? Evidently that Deputy Returning Officers had acted upon instructions given to the scrutineers in a circular, said to have come through the Conservative Organizer at Toronto, in these words: "Opposition ballots can be spoiled by the lead out of a pencil fastened under the little finger with beeswax, drawn across opposite our candidate's name in opening the ballot." In the face of these unmistakable proofs of tampering with the ballots, might not Mr. Whitney be asked a second time to "clean his own doorstep."

ELECTION FRAUDS

(4) Have the Conservatives ever been guilty of election frauds?

Not being in control of the ballot boxes and, as a rule, the Deputy Returning Officers being Liberals, the Tories in Provincial Elections for the last thirty years had no opportunity of showing what frauds

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they might commit in Provincial Elections. We can only judge the Conservative Party in Ontario by its conduct in Dominion Elections. The records of the House of Commons furnish abundant evidence of these frauds at every election during their 18 years of office. As for instance, in *Haldimand* in 1887, and in 1890 *West Northumberland*, *Middlesex*, *South Grey*, *North Ontario*, *Lincoln*, *South Victoria*, *Muskoka and Parry Sound*, *South Wentworth*, *Prince Edward*, *Carleton*, *East Elgin* and *London*, not to say what occurred in *Manitoba*, *Quebec* and the *Maritime Provinces*.

BURNT BALLOT BOXES

(5) Did Conservatives burn ballot boxes?

Two ballot boxes were burned after the General Election in *Muskoka* in 1887, said to contain ballots giving the Liberal candidate a majority at the polling divisions concerned.

IMPORTATION OF YANKEE EXPERTS

In the general election of 1902, the Conservative party, according to a statement in the *Mail and Empire* of 15th July, 1902, imported expert detectives from New York and Buffalo, and assigned them to constituencies from Conservative headquarters in Toronto. Two of these were in Lennox; one was placed in the interest of the Conservative party at Bowmanville, and Mr. Lennox, the Conservative candidate in North York, admitted under oath that two of these detectives, whom he called "distinguished men from Buffalo," were operating in North York, and that they were sent there through the instrumentality of E. B. Osler, M.P., he thought.

BUFFALO EXPERTS AGAIN

During the by-election in North Grey on January 7th, 1903, one of these Buffalo experts named Mulloy, who had been brought into Ontario by the Tories during the general elections of 1902, appeared in Owen Sound in North Grey and called upon leading Liberal workers, saying that he had been sent there to work on behalf of Mr. Mackay, Liberal candidate, and demanded money. One gentleman upon whom he called, Mr. R. McMurchy, immediately went and saw Mr. Hatton, (now Judge Hatton), who was Mr. Mackay's financial agent, Mr. Hatton replied that the Liberals wanted no such characters in

the Riding, and gave orders that he was to be immediately deported, which was done. Mulloy then went to Dr. Hough, a leading Liberal in Wiarton, in the adjoining riding of North Bruce, and represented to him that he had been sent from Owen Sound to act in conjunction with him in buying votes in North Grey, and asked Dr. Hough for money. Dr. Hough refused to have anything to do with him, and Mulloy left for Toronto to see his Tory employers. The whole thing was a vile plot to entrap the North Grey Liberals, but fortunately failed.

ORGANIZER WRIGHT'S FINE HAND APPEARS

In March, 1903, just two months after this episode, Mr. A. W. Wright, Conservative organizer, went to Buffalo and procured from Mulloy, and the leader of the gang, Nelson, affidavits, stating that they had been employed by the Liberals to take a gang of pluggers into North Grey, North Perth, and North Norfolk. It is significant that these affidavits were sworn on March 20th, 1903, just nine days after the notorious Gamey made his charges on the floor of the Legislature. It was the intention to read these affidavits on the floor of the House as a supplement to the Gamey charges. They were not so used. Why? Because Wright, in drawing up Nelson's affidavit, had made the fatal mistake of putting into Nelson's mouth the statement that he had been interviewed by Alexander Smith, the Liberal organizer, in Toronto on December 28th, 1902, when Mr. Smith was not in Toronto at all.

WRIGHT TAKES ANOTHER TRIP TO BUFFALO

Wright took another trip to Buffalo and on April 10th, 1903 (Good Friday), he had a long interview with his two chums, Nelson and Mulloy, in a saloon on Washington street. Afterwards Nelson and Mulloy offered to make an affidavit for the Liberals explaining their connection with Wright, and went to a reputable lawyer in Buffalo named John T. Ryan, and gave him instructions for drawing up the same.

NELSON STEALS THE AFFIDAVIT

Nelson then stole the document and was arrested and found guilty. During the trial Wright sat in the Buffalo Police Court as the friend and adviser of these two crooks. Nelson, in his evidence in the Buffalo Police Court, attempted to square himself on his statement regarding Alexander Smith by swearing that it was Mr. James

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Vance and not Smith whom he had met in Toronto, and that Vance had represented himself as being Smith.

He repeated this story at the North Grey trial, and Wright, when in the witness box, was forced to admit that he had suggested the change in Nelson's evidence. It was conclusively shown that Nelson could not have been in Owen Sound at all, and the whole story was exploded. Nelson was shown to have had a very bad Police Court record in Buffalo. The two judges, Chief Justice Moss and Mr. Justice Street, refused to believe the story of these two crooks, and they fled from Owen Sound on the next train, accompanied by Wright. They did not even wait to hear the judgment of the court on their story. Does anyone believe that these two characters made these affidavits and went to Owen Sound to swear to their concocted story without reward? It is ridiculous to expect people to believe that they were not paid handsomely for their services.

J. G. PRITCHETT'S CASE

In the session of 1900, Mr. Whitney read in the Ontario Legislature an affidavit signed by one J. G. Pritchett, of the city of London.

It appears that a warrant had been sworn out for the arrest of J. G. Pritchett for a violation of the Election Law in West Elgin. Being warned that he might be arrested at any time, Pritchett fled to the city of Detroit in order to evade arrest. While in the city of Detroit, according to his evidence before the Royal Commission, communication was opened between him and Mr. Sam. Barker, organizer for the Conservative party, and also Mr. Fleming, a barrister of the city of Windsor. As a result of this communication, Pritchett made an affidavit before William L. Carpenter, Judge of the Third Judicial Circuit, Michigan, containing a number of statements which have been since contradicted on oath:—

(1) Pritchett said that he saw Cornelius O'Gorman, Sullivan, Squire Hunt, and John Lyle at the Duke House in the city of St. Thomas, and had conversation with some of these gentlemen with regard to his acting as deputy returning officer at Polling Division Number 6, Southwold.

In the evidence before the Royal Commission it was proven that these gentlemen had no communication whatever with John G. Pritchett. So the first statement in his affidavit was proven to be false.

(2) In applying to Sheriff Brown for the papers required by a deputy returning officer, he gave his name as Marshall B. Johnson.

This statement was also admitted by Pritchett to be false.

(3) He stated that he "slipped," i.e., counted 19 votes for Macnish that should have been counted for McDiarmid (when the ballots were being counted at the close of the polls) the Conservative candidate.

It was shown at the trial that he could not have done this, as the scrutineers for both parties were present when the ballots were counted, and Mr. Luton, Conservative scrutineer, swore that he believed Pritchett could not have "slipped" the ballots without being caught, as Mr. Luton said Pritchett was very closely watched.

(4) He swore that William O'Gorman gave him \$25 for acting as scrutineer at St. Thomas, and that John O'Gorman at London gave him \$100. O'Gorman swore that this statement was false.

Pritchett was a fugitive from justice when he signed the affidavit, and he gave as his reason for making the affidavit that he wanted the warrant against him to be withdrawn in order that he might return to Canada, and the warrant was withdrawn.

When Mr. Whitney moved a vote of want of confidence in the Government on the 22nd day of March, 1900, he read the Pritchett affidavit as the reason why the Government should be defeated. An Opposition that depends for a case on such evidence is certainly driven to the very last ditch, and Mr. Whitney's action in the matter is unworthy of the position he occupies as a member of the Conservative party. He must have known that Pritchett was a fugitive from justice. The affidavit itself declared that he had used a false name in order to get appointed deputy returning officer. It is also stated that he had violated the Election Law by miscounting or "slipping" the ballots. All these facts are set forth on the face of the affidavit, so that at the time Mr. Whitney made his charge against the Government he was using the testimony of a man who was a fugitive from justice, who had endeavored to pass himself off under an assumed name, and who had declared that he had violated the Election Law.

During the trial Pritchett was characterized by Judge Morgan as "a self-convicted liar." Notwithstanding all this, Mr. Whitney holds the original affidavit of Pritchett in his possession, and declares it to be a precious document. One of the proudest moments of his life was when he used that document.

The question may be asked, why is not Pritchett prosecuted for personation?

The answer to that is, that, as the law stood at the time, he personated one Marshall B. Johnson, there was no provision in the law for

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panishing for the personation of a deputy returning officer. An amendment to that has been made, however, since, by the Attorney-General.

Then why should he not be prosecuted for forgery?

The answer to that is, that under the criminal code the offence is not one that comes under the description of forgery.

Then why not prosecute him for perjury?

The answer to that is, he made his declaration in the city of Detroit, where he was beyond the reach of Canadian law.

What will be thought of the leader of a party who would attempt to make political capital out of affidavits made by such men as J. G. Pritchett?

FALSE AFFIDAVIT EXTORTED BY CORRUPT BARGAIN

But Mr. Whitney's assumed indignation over neglect to prosecute Pritchett is the essence of insincerity, if not hypocrisy, when everyone knows that his own friends had the warrant for the man's prosecution, and that having used it to extort a false affidavit from him, they absolutely bargained that the warrant would not be proceeded upon, but that he would be protected

TORIES RESPONSIBLE FOR ESCAPE FROM PUNISHMENT

If Pritchett has escaped punishment, which he deserved, Mr. Whitney's friends are responsible. More than one warrant could not be issued, and they did it, and, in pursuance of their guilty bargain with him, shielded him from prosecution. If anyone has reason to hang his head with shame in connection with the Pritchett business, it is Mr. Whitney and his prominent Tory friends.

THE FAMOUS GAMEY CASE

On March 11th, 1903, R. R. Gamey, M.P.P. for Manitoulin, made some sensational charges on the floor of the Ontario Legislature against Hon. J. R. Stratton. It is not necessary to repeat the charges as they are well known to everybody. They were, in short, that he had been bought by Hon. Mr. Stratton to support the Ross Government by the payment of a large sum of money. After an exhaustive investigation before two Chief Justices of the High Court of Justice for Ontario, the Honorable Chancellor Boyd, and Chief Justice Falconbridge, his story was utterly exploded and his charges found disproved. It would not have required anything more than Gamey's own evidence and his

actions during the trial to stamp him as a man utterly unworthy of belief. Below are a few matters which Gamey should be asked to explain:—

1. Why did he steal the deposit slip from the bank and forge a substitute?

2. Why did he take a trip to Buffalo and remain away for several days at a most important stage of the investigation, without the knowledge of Mr. S. H. Blake, K.C., his leading counsel?

3. Is it not a striking coincidence that he left for Buffalo just at the time the leaves disappeared from the Crossin Piano Company's cash book? Would a man who is capable of stealing and forging a deposit slip hesitate to remove the leaves from the cash book also?

4. Why did he tell the reporters in Buffalo that he collected the \$900.00 deposited in the Ontario Bank on Manitoulin Island during the summer and afterwards swear that he borrowed it from Frank Sullivan?

5. Why did he swear that he did not tell the reporters this, and when confronted with the newspaper reports, and the reporters themselves, admit on oath that he had said so.

6. He swore he did not speak about being Minister of Mines to Frank Sullivan in the Crossin piano factory, and W. H. Price and Percy Price, two of his own witnesses, swore that he did. Which were telling the truth?

7. If he was laying a plot to catch a Government, as he swore he was, why did he refuse to look at the man he claimed carried the money to him in the smoking room? He swore that he looked out of the window instead. Is that not a strange action for a man who was hatching a plot and collecting evidence?

8. He said in his charge in the House that three shorthand reporters took notes of his conversation with Sullivan. Two of these boys swear that they are not shorthand writers, and they all swear they took no notes.

9. He stated in the House that no one knew of his scheme, and then swore in Court that he told five or six people. Which time did he tell the truth?

If he was laying a trap to catch a Government, how can he explain the fact that he was not sure of the date upon which he claimed to have got the money? Was it not important enough to make a record of?

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BOUGHT IN NORTH WATERLOO

In 1898 Dr. Lackner (Conservative) was elected M.P.P. for North Waterloo, but was subsequently unseated by the courts for corrupt practices. In the by-election following, L. J. Breithaupt (Liberal) was elected to represent the riding, and he was subsequently (1899) unseated, but shortly after, on account of the methods adopted to unseat Breithaupt, he (Breithaupt) was allowed to be elected by acclamation, though the riding in both Dominion and Provincial affairs, has, since 1896, shown a tendency to be with the Opposition.

In the unseating of Lackner there was not even in the mind of the most prejudiced a suspicion that witnesses had been bought or tampered with in any way.

In the election trial against Breithaupt the Conservatives had two star witnesses, whose names were Allan R. Shantz and Albert Bossard. Shantz gave evidence of alleged ballot stuffing, and Bossard had a weird tale of bribery and corruption. No doubt the judges at the trial were influenced to a certain extent by the stories told by these men, and all of Mr. Whitney's denunciations have been based on their evidence. And now it transpires that both of these men were bought to give their evidence, and *it is proven out of their own mouths*. Here is what Shantz was forced to admit on oath:—

Q. What bargain was ultimately made as to your telling? A. I was to get paid for it.

Q. How much? A. That was left to them at the time.

Q. Who do you mean by them? A. Ed. Scully.

His Lordship (Meredith)—How much were you to get? What was the bargain afterwards? A. They deposited a cheque for \$50.00.

His Lordship (Osler)—Who? A. Mr. Reid has the cheque.

Q. Whose was the cheque? A. It was signed by Mr. J. M. Scully (President of the Conservative Association).

Q. (Reading from letter written by Shantz to one Lewis)—“As I have been fooled so long, I must have the same in twenty-four hours or I will close the deal with the others for more. I am determined to sell” Sell what? Your evidence, you mean? A. I suppose so.

And Bossard, in an affidavit since made by him voluntarily, and read in the Legislature by Mr. Graham, M.P.P., gives the whole plot away. The affidavit is quite lengthy, and only extracts are given.

here. The whole affidavit was published in the *Toronto Globe*, in March, 1901. Among other things, Bossard says:—

"That John H. Stumpf, Edward Scully, and other prominent supporters of the Conservative candidate interviewed me, stating that the Conservative party would be in power and I would have to look to them for an extension of my license, and further, that Messrs. Randall & Roos, liquor merchants and other influential Conservatives, controlled the License Board and Commissioners of said district, and could procure an extension of said license. In view of said circumstances I promised them my support with the understanding that I was openly to pretend that I was supporting the Liberal candidate. They also told me to try and work in with the Grit organizers and get all the money I could out of them.

"That my license was not extended at the expiration of the said two months, but was subsequently granted after the said Edward Scully paid me a visit and promised me that if I would make a certain affidavit or declaration, which I did, as to the election, and give evidence at the trial, he would, through prominent friends, get an extension of my license, which was carried out.

"That the said Stumpf and Scully individually saw me on different occasions about my evidence and instructed me what to say, and informed me that they had been told by Mr. W. D. McPherson what I had to say. . . . They also told me the story Shantz, Bohl, Wancke, and Polonski were going to swear to at the trial, and that if I told the same story and ask for the protection of the Court, I would not get into any trouble, and that if I did not I would be fined and sent to jail.

"That in consideration of my making the affidavit and giving evidence at the trial as before mentioned, the said Edward Scully and William Reade, apparently acting on behalf of the petitioner and the Conservative organization of North Waterloo, further agreed to pay me the sum of \$100. A day or two afterwards the said Scully came to me and said: '\$100 is too much. We will help you in your business, and will see that you get your license, and you ought to be satisfied with \$50.' I said: 'All right.' Scully then showed me a bank cheque for \$50, signed by the proper officers of the Conservative Association, as I was informed. Scully then said: 'This cheque will be placed in the hands of Stumpf and held by him until after the election, when it will be handed over to you.'

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"A few days afterwards I saw Stumpf, when he said: 'You need some clothes, and you better take that \$50 out with me in clothing.' Between the election trial and the first of April of the present year (1900) I received clothing from the said Stumpf to the extent of \$50, which has been paid for by said Stumpf as agreed."

Stumpf adopted an ingenious method to pay Bossard. He gave him clothes on three different occasions and had Bossard sign notes as follows: July 15th, 1899, for \$19.00; January 8th, 1900, for \$22.25; and March 3rd, 1900, for \$17.00—a total of \$58.25. Stumpf discounted these notes at the Bank of Commerce at Berlin, AND PAID THEM HIMSELF WHEN THEY BECAME DUE. These notes were produced in the Legislature by Mr. Graham, M.P.P.

PROSECUTIONS IN NORTH WATERLOO

Mr. Breithaupt was unseated, and the election judges reported two men, Wildfong and Cummings, for defacing and fraudulently miscounting ballots. The decision of the judges was appealed from, but the appeal, after some delay, was dropped, and the report of the judges was presented to the Legislature in the session of 1901. Before that, and until the report of the judges was in, the Government could not be expected to take any action. Mr. Whitney, however, during that session, denounced the Attorney-General in most unmeasured terms for shielding criminals, and all that sort of thing, and staked his word and reputation on the prediction that these men would never be prosecuted. He dared the Government to take proceedings. His impudence knew no bounds. In a calm, argumentative and deliberative manner the Attorney-General, in reply, pointed out that there did not appear to be any direct evidence implicating these men, but that the judges had evidently, by a process of exclusion of others, who, in their testimony, denied having any knowledge of the tampering with or miscounting of the ballots, come to the conclusion that Wildfong and Cummings should be reported in connection with the offences.

It must be borne in mind that a mere report by the judges at an election trial does not necessarily imply guilt. There have been many cases where men reported by the trial judges have afterwards been tried for the offences reported and honorably acquitted. However, the Attorney-General indicated that in the cases of these men, Wildfong and Cummings, further proceedings should be instituted. After the session Mr. Whitney continued his ranting and raving, and kept

on assuring the public that nothing would be done. As a matter of fact, one of the trial judges was busily engaged in the Court of Appeal then in session, and the other judge was out of the country. A postponement for a time might have enabled the trial judges to go to Berlin and hear the prosecutions. But in view of the charges which were being hurled against the Government for delaying the prosecutions and shielding these men, and in view of the reiterated statements that the Government dare not prosecute, instructions were given to the County Crown Attorney at Berlin to institute proceedings in the ordinary way for the prosecution of these men on the charges for which they had been reported.

Proceedings were taken and all possible steps pursued to secure convictions. A witness was even brought from Alberta to give evidence. The result was, as the Attorney-General thought might be possible, there was no evidence on which Wildsong could be convicted.

The County Crown Attorney, a strong Conservative, did not even think a conviction could be asked for, and concluded to drop the Cummings case, which was the weaker of the two.

PROSECUTION FOR CORRUPT PRACTICES

A common charge made by Mr. Whitney upon the public platform is that persons guilty of corrupt practices have been allowed to run at large to the great disgrace of the Attorney-General's Department and injury to public morals. Of course everybody, except Mr. Whitney, knows this statement to be untrue.

The records of the Election Courts from 1871, when controverted election trials first came before the judges, to the date of the dissolution of the House on the 12th of December last, show that in all 277 persons were reported for corrupt practices, and that up to the time that the Ross Government took office not a single offender had been prosecuted for a breach of the Election Law. Since the Ross Government took office, action has been taken against no less than 51 persons by the direction of the Attorney-General's Department, and Mr. DuVernet forestalled official action by moving on his own responsibility against 11 others, being the persons reported for corrupt practices at the recent election trial at Sault Ste. Marie. Of those 51 persons, 47 were brought to trial; the other four, viz., those reported in Muskoka and North Norfolk, have not yet come to trial. Fines were imposed by the judges on the persons convicted, varying from \$200 to \$800, and some of the offenders have spent a term in the county jail.

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The truth is that the only government in Ontario that ever dealt with election offenders was the Ross Government. Since Confederation, both at Ottawa and Toronto, persons reported guilty of violating the election law were dealt with perhaps too leniently. If, however, prosecutions are to have a deterrent effect, as they were intended to have, the present Government can claim the honor of adopting the only remedy which the law provides for preventing electoral corruption.

There were in all 8 cases of corrupt practices reported after the general election of 1902—one against Liberals and seven against Conservatives. It is true that the law was not put in motion in regard to any of these, but it cannot be said that the Government restrained its hand in order to protect its own friends, as only one Liberal was concerned where seven Conservatives would be affected.

It is extraordinary what activity is sometimes shown by the Conservative party when their political friends are not concerned. In the recent election trial at the Sault, 11 Liberals were reported guilty of corrupt practices, and as stated elsewhere, before the time had expired for issuing summonses for their appearance at Court, Mr. DuVernet, acting no doubt for the Conservative party, had appeared before the judges, asking for such summonses. In the previous election trial, although 4 Conservatives were reported for corrupt practices, no action was taken by the Conservative party to bring them to justice, and a similar course was pursued in North Norfolk, Centre Bruce, and South Oxford, where one person in each case was reported by the judges. Perhaps the Liberal party was at fault in not enforcing the law in this case. They are, however, free from political animus at all events in the course which they have taken.

THE HASTINGS ALLEGED BALLOT FRAUD

In the recent trial at Belleville for the use of what is called "trick ballot boxes," it is said that the Government of Ontario was recreant to its trust in not co-operating with the Department of Justice at Ottawa as energetically as should have been done. The truth is that on the first intimation of an irregularity being given to the Attorney-General's office, a detective was sent from the Attorney-General's Department to enquire into the matter, and on the return of one of the Provincial detectives from his duties, his services were placed at the disposal of the officers of the Dominion Government. No call

was made on the Attorney-General's Department for help to which there was not a reply, and where it was thought service could be rendered, it was given unasked for.

THE LIBERAL ORGANIZER AND WEST HASTINGS

It appears that the police magistrate who presided at this investigation connected the name of Mr. Vance, the Liberal organizer, with the others who were committed for trial. There was not the slightest evidence to connect him with the transaction in any way, but in common justice he should have been heard in his own defence, particularly as he attended the trial by order of the Court. Was there any political object in associating Mr. Vance with this nefarious transaction?

THE BRAWLING BROOD OF BRIBERS

Much has been said of the alleged attempt to purchase Mr. Gamey's vote in support of the Liberal Government, notwithstanding the complete vindication of the case before a Royal Commission of two judges. In the winter of 1884, an attempt was made to buy out the Liberal party through an American lumberman by the name of Kirkland. It is somewhat strange how often American exploiters figure in the movements of the Conservative party. It was proved that this American had paid to a member of the House the sum of \$1,500 in the expectation that he would support a resolution for the defeat of the Government. Promises of a similar kind were made to other members, and in all some eight or ten members were approached with this sinister object in view.

THE PLOT HATCHED IN THE MAIL OFFICE

The plot was hatched in the office of the *Toronto Mail*—the organ of the Conservative party—and the Manager of the *Mail* was closely associated with the intriguers. There is no doubt that whole scheme was to get possession of the Treasury benches, not so much in the interests of the public as in the interest of private speculators and American promoters.

EXTRACT FROM EXAMINATION OF T. H. LENNOX

Before Special Examiner Bruce, City Hall, Toronto, 29th November, 1902:

188. Q. How much were your expenses in the election? A. I think \$527; I do not just remember.

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189. Q. That is inclusive of personal expenses? A. Yes.
190. Q. I understand you returned those at \$90? A. I do not remember.
191. Q. Did you keep any account at all of them? A. No, I did not; that was as nearly as I could tell; I knew about what my hotel bills had been at each place, and any little thing I spent, but I did not keep any detailed statement of it.
192. Q. Did you pay these expenses yourself? A. How do you mean?
193. Q. With your own money—this \$527? A. No, I got \$500 from the Conservative Association.
194. Q. Did you get it yourself—was it given to you? A. I think it was sent to me in a cheque.
195. Q. From Mr. Ryckman? A. I think so.
196. Q. All in one cheque? A. I am not quite sure; I think it was all one cheque, but I would not say positively.
197. Q. Was that all that you received from the Central Association? A. That is every dollar I received from them or any other person.
198. Q. Can you tell me whether it was a cheque or money or what you got? A. I think it was a cheque.
199. Q. Where did you cash it? A. I cashed it in the Ontario Bank, Aurora.

EXAMINATION OF F. S. SNIDER

Examination of Fred S. Snider, taken before James Robb, Judge of the County Court of the County of Norfolk, on the eleventh day of October, A.D. 1902, at Simcoe, in the said County of Norfolk:

The said Fred S. Snider, being duly sworn, says:—
In January or February began a personal canvass. There is a town, Simcoe, three townships and two villages, Waterford and Elgin, in the Riding. My agent was George E. Maguire, a brother of a Doctor. The statement of my expenses as stated by him was correct in one particular the last item should be \$4.00 instead of \$2.00. It represents the whole of the money expended through me, \$262.33. The campaign cost me nothing personally, the money came from the Central-Conservative Association. I got two cheques signed by E. B. Smith in a letter written I forget by whom. Dr. Maguire told me he was asking for it. I looked for the letter to me after getting the cheque, but did not find it. I kept no letter in regard to this con-

test. I think Dr. Maguire was in Toronto and acknowledged the money. The first cheque I got was \$200.00, and the second was for \$300.00. They were payable to my order. No other money was sent to me from Toronto. The second cheque was sent a week or ten days after the first. It was before the actual speaking began. I do not now remember who signed either of the letters. I signed a receipt for these cheques. A typewritten receipt was enclosed. I signed and returned it, I think, to E. B. Ryckman.

In my accounts my personal expenses were stated at \$106.42 I made it up before filing. It includes my expenses from the issue of the writ. This includes hotel bills and other things, but covers no disbursements prior to the issue of the writ. Railway fares and hotel bills of Frank Ryerson were included. I could not say whether the hotel bills would amount to \$15 or railway fares to \$5.00. I put in \$2.50 per day for my own horse and phaeton. I made a calculation of the amount after the election was over. There are no details in existence. It was a mental process down to two cents. I paid it out of the \$500.00 I got from the Conservative Association. The unused balance is in my possession. I consider it mine. No part of it has been returned.

Sworn before me at Simcoe, in the County of Norfolk, this 13th day of October, 1902.

JAMES ROBB,
Judge of the County Court
County of Norfolk.

FRED S. SNIDER

EXTRACT FROM EXAMINATION OF GEO. M. BOYD

Before John Bruce, Special Examiner, City Hall, Toronto, 28th October, 1902:

318. Q. Where did you get that money? A. I got some money from Mr. Ryckman.

319. Q. How much did you get from him? A. \$700.

320. Q. In Toronto? A. Yes.

321. Q. When was it that you got that money? A. I do not remember.

322. Q. Shortly before the election? A. No, just about the time I needed it for expenses.

323. Q. Did you come down to Toronto? A. Yes.

324. Q. How did you come to see Mr. Ryckman? A. I do not know.

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325. Q. Did anybody tell you to see him? A. Somebody must have told me.
326. Q. You do not know who it was? A. I do not remember.
327. Q. Perhaps you did not know the man who told you? A. I do not know.
328. Q. Was it at Mr. Ryckman's office? A. No, I do not think it was. I remember once I got the cheque sent up to me.
329. Q. Did you not get the \$700 in one sum? A. No.
330. Q. How many different sums? A. I think three, if I remember right.
331. Q. Was there more than one payment made by cheque? A. Yes, all three payments were made by cheque.
332. Q. Was there one sent to Owen Sound? A. No, I do not think so.
333. Q. Where did you get it? A. I think I got all three payments here.
334. Q. And were they all Mr. Ryckman's cheques? A. Yes.
335. Q. Did anybody else's name appear on them? A. No, not that I am aware of.
336. Q. Do you remember the amount of the different cheques? A. Yes, I think one was \$200, another \$200, and another \$300.
337. Q. When was the first of these cheques given to you? A. I do not remember.
338. Q. Or the last? A. I do not remember the date; as long as I got the money I did not care.
339. Q. Was it in Toronto they were given to you? A. Yes.
340. Q. And did you cash them here? A. No, I cashed them in Owen Sound.
341. Q. Would this be after you came back from the Soo? A. Yes.
343. Q. And did you come to Toronto each time for these cheques? A. I do not say I came for any cheques.
342. Q. But you got them here and cashed them in Owen Sound? A. Yes.
343. Q. By depositing them in the bank? A. No, I just drew the money.
344. Q. Where do you stay in Toronto? A. At the Walker House.
345. Q. Did you stay there at the times that you came down when you got these cheques? A. Yes, I think so.
346. Q. Do you remember that two of the occasions when you came down were on Sunday? A. Yes, I was down here on two Sundays.

347. Q. The first Sunday and the second Sunday before the elections? A. I would not swear that is right; I know I came down here.

348. Q. And were those the days you got those cheques? A. No, I did not get any cheque on Sunday.

349. Q. Were those the two occasions on which you got two of those cheques? A. I do not know.

350. Q. Can you tell me any other time you were in Toronto after you came back from the Soo and before the election, except these two Sundays? A. No, I cannot tell you.

351. Q. Can you tell me if you were in Toronto on any other occasion except these two? A. I must have been.

352. Q. Can you tell me that you were? A. No, I cannot.

353. Q. Did you see Mr. Ryckman on either of these two Sundays? A. I did not.

354. Q. Was that all the money you got in Toronto from Mr. Ryckman or anybody else? A. Yes.

355. Q. Did you see anybody else about it except Mr. Ryckman? A. Likely I was talking to some people—I do not know.

356. Q. Whom? A. I do not remember.

EXAMINATION OF MR. CARSCALLEN (LENNOX)

Q. Where did you get the money? A. I got some of it from the Conservative Association at Toronto.

Q. How much did you get from them? A. \$500.

Q. From whom did you get that? A. I got a cheque from Mr. Bristol.

Q. Was it sent to you or did you get it here in Toronto? A. Part of it was sent to me and part I got here.

Q. How much was sent? A. \$200.

Q. And you got \$300 here? A. Yes.

Q. In cheque or cash? A. I think they were both cheques.

Q. Did you cash the cheques in Napanee or here? A. The one I got in Napanee I cashed there.

Q. And the one you got here—what became of it? A. I think I got it cashed here.

Q. Did you get any other sum of money than that \$500? A. That is all.

Q. Was there any contribution or collections taken up locally to help pay your expenses? A. Not to my knowledge.

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Q. You do not know of any man having money at all except that \$500? A. That is all.

Q. What did you do with this money? A. I gave my financial agent enough to pay his accounts.

Q. What did you do with the rest? A. I have it.

Q. Where is it? A. It is at home.

Q. Where? A. At the house.

Q. How much? A. The balance.

Q. Where is it in your house? A. It is in a trunk or chest.

Q. How long has it been there? A. Since I got it.

Q. Do you know of any person advancing any money for any purpose connected with your election, other than this \$500? A. I got some—that is all.

Q. From whom? A. I got \$100 from Alex. Carscallen, of Marmora.

Q. Did you get any more from anyone? A. I got \$100 from Uriah Wilson, of Napanee.

Q. By cheque? A. Yes.

Q. Did you get any more money than that? A. No.

Q. Are you aware of any money having been subscribed by any of your friends in Lennox? A. No, I am not.

DR. NESBITT'S DEAL FOR THE TORY NOMINATION IN CARDWELL

In October, 1894, it was on the boards that R. S. White, M.P. for Cardwell, was to be appointed collector of Customs at Montreal, thus creating a vacancy in Cardwell. W. B. Willoughby, barrister, of Toronto, had the Tory nomination for the Riding. Dr. Beattie Nesbitt was very anxious to get into Parliament, and made a disgraceful bargain with Willoughby to get Willoughby to retire in his favor. Nesbitt had recently been appointed chairman of Whitney's organization committee. The agreement was put in writing, and was in Willoughby's handwriting on three pages of the letter paper of the firm in which Willoughby was a partner. Nesbitt agreed to pay Willoughby \$350 on his nomination and \$1,000 on his election for Cardwell; to appoint Willoughby his election agent and his solicitor in the event of a protest being entered; to use his influence towards the settlement of a claim of one Jennie Bolton against Willoughby, and to procure her an appointment to a position; to procure the

appointment of Willoughby as a County Court Judge, and in the event of his failing to do so, to pay Willoughby \$4,000; to transfer to Willoughby the conduct of all his legal business; to have Willoughby appointed a Queen's Counsel, and to have Willoughby's brother promoted to the grade of second-class clerk within two years after Nesbitt should enter Parliament. A pretty bargain, indeed! The full text of the written agreement was published in the *Toronto Globe* on December 22nd, 1895.

CONSERVATIVE ORGANIZERS

About a year and a half ago, Mr. Andrew Miscampbell, ex-M.P.P., was appointed organizer for the Conservative party in the Province of Ontario. Mr. Miscampbell sat for several terms in the House for the East Riding of Simcoe, and frequently heard Mr. Whitney denounce the Liberals for corrupt practices. In the general election for 1902, Mr. Miscampbell, who had previously been in the employ of the company promoting the Sault industries, ran for the new constituency of Sault Ste. Marie, and was elected by a majority of 199. A protest having been entered, Mr. Miscampbell was unseated for corrupt practices. The trial brought out the fact that one Morreault was reported for corrupt practices. It seems Mr. Morreault was brought up from Montreal to influence the French vote at the Sault, and that Mr. Miscampbell paid him with his own hands the sum of \$100, and that he was also paid \$110 by one Hand, an agent of Mr. Miscampbell, and \$25 by one Thompson, another agent, and both of the latter sums were paid with Mr. Miscampbell's assent and knowledge. The seat was declared vacant, and Mr. Justice Osler, in delivering the judgment of the Election Court, said:—

"I find that none of these sums were paid with any corrupt intention or for any corrupt purpose, or with any intent that Morreault should expend them, or any part of them, corruptly. . . . But, although it was not a corrupt payment, it was, I think, an illegal one. . . . It was, at all events, illegal, as not having been made through Mr. Miscampbell's financial agent, as required by the Election Act, and there was, moreover, in respect of it, a distinct infraction of the Election Act in the omission to include it in the detailed statement of the candidate's election expenses. The transaction was a blameworthy one, well calculated to excite suspicion, and, while the charges founded upon it must be dismissed, it will remain to be considered in another aspect of the case."

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In another part of his judgment, Mr. Osler said:—

"Nor can it be overlooked that drinking was undoubtedly indulged in to a most reprehensible extent, though the evidence may fall short of proving the commission of corrupt practices in that respect."

An appeal was taken against the decision of the trial judges, as Mr. Miscampbell's counsel believed that he had no right to be unseated on the evidence submitted. The Court of Appeal, through Chief Justice Moss, after hearing argument on the case, confirmed the judgment of the judges who tried the case, and, after hearing from Mr. Miscampbell's counsel all that could be said for him, gave the following as their judgment in regard to his personal connection with the irregularities in his election:—

"What has been shown as to Mr. Miscampbell's part in the supply of these moneys increases his difficulties on this part of the case. His account of his dealings in regard to them, as gathered from his depositions, demonstrates an entire disregard for the plain directions of the Act. These moneys were not paid through his financial agent.

"There was so much of illegality and irregularity in and connected with the payment of these funds, and in and connected with the employment and conduct of Morreault, in whose hands they were placed, that we are unable to see how Mr. Miscampbell could hope to convince the rota judges that the election ought not to be voided."

These statements of the Court of Appeal and the trial judges are very suggestive. Had Mr. Miscampbell gone a hairbreadth further, he might have been disqualified. Is it not an extraordinary thing that a gentleman that was reported by the judges as personally guilty of three illegal acts in connection with the election law should be appointed as organizer for the party? Had there been the desire to promote the electoral purity claimed by Mr. Whitney, would Mr. Miscampbell have been selected to run up the constituencies in the interest of the Conservative party? Is there not good reason for holding the whole party responsible for the acts of the organizer?

BY-ELECTION IN THE SAULT

Mr. Miscampbell tried his fortunes in the Sault at the by-election which took place 27th October, 1903, in which he was elected by a majority of 247. A protest was entered against Member elect (Mr. C. N. Smith) and a cross petition against Miscampbell. Mr. Miscampbell first claimed the seat, but

afterwards abandoned this claim. He was examined, however, as to the conduct of his election by Mr. Geo. H. Watson, K.C., in part as follows:—

Stenographer's report of Mr. Miscampbell's examination on the cross-petition against him in the case of the by-election held on the 27th day of October, 1903:—

Q. How much was the amount of your legitimate expenditure as reported? A. About \$779.00.

Q. Who was your financial agent? A. Albert Carney.

Q. And that financial agent's return includes all your personal expenditure? A. All my expenses.

Q. All expenses of any kind? A. Yes.

Q. Sure? A. Yes, sure.

Q. How much was sent to you personally from Toronto? A. \$900.

Q. Who sent it to you? A. Mr. Ryckman.

Q. Who is Mr. Ryckman? A. He is a lawyer in the city of Toronto, and I understand he was the treasurer of our Association.

Q. Treasurer of what Association? A. Of the Conservative Association.

Q. What did you do with the money? A. I cannot remember what I did with it now.

Q. What did you do with any of it? A. I paid my election expenses.

Q. What were your personal expenses? A. From memory I think somewhere between \$80 and \$90.

Q. That is included in the \$779? A. Yes.

Q. There were two \$200 drafts and a \$500 draft, making \$900 altogether?

Q. What did you do with that \$500? A. That I used, I think, along with the other, in paying to my financial agent, and expenses that I had.

Q. You can tell me something you did with that \$500? A. I cannot tell you.

Q. You held part of it? I would not like to make any statement as to what I did with any of that money; here is what I have in my mind, and I am perfectly frank with you; I received \$900 from Mr. Ryckman, and I accounted to Mr. Ryckman for

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\$900. About \$779 I paid in legitimate expenses, and I returned the balance to Mr. Ryckman—\$121, I think.

Q. How did you return it? A. I sent it to Mr. Ryckman.

Q. When did you give him that? A. A short time ago.

Q. When? A. Yesterday or this morning; I may state that I had permission to use the residue in connection with the protest.

Q. Yesterday? A. Either yesterday or this morning it went to him.

Q. You would know? A. I think it went to him this morning.

Q. Did you pay him yourself? A. No, I gave it to another party to give to him.

Q. Who was the other party? A. I gave it to Dr. Pyne to give to Mr. Ryckman.

Q. What other moneys did you receive for election purposes besides from Mr. Ryckman? A. I did not receive any directly for election purposes.

Q. What did you receive in connection with the election? A. From whom?

Q. From anyone—you said a little while ago that you had some other moneys for election purposes? A. Which I did not use.

Q. I want to know who you received the money from? A. I do not know that I should answer the question—I received some money from Mr. Thompson in the Soo.

Q. What Thompson? A. He is a merchant there—William J. Thompson.

Q. And from whom else? A. No person.

Q. Sure? A. Yes.

Q. Directly or indirectly? A. Directly or indirectly.

Q. How much did you get from Thompson? A. I think it was about \$440.

Q. Not more than that? A. No—from memory.

Q. \$1,000? A. No—about \$400.

Q. Where did Mr. Thompson get the money? A. I do not know, except from what rumor said.

Q. What is your understanding as to how he got it? A. My understanding was that he got it from Mr. Ryckman.

Q. Did he get that whole \$400 from Mr. Ryckman? A. I think he did.

Q. That would be \$1,300—how much more did he get from Ryckman? A. I do not know how much more he got from Mr. Ryckman.

Q. But some more? A. Yes, I think he did.

Q. Altogether Mr. Ryckman sent up there \$2,500, I understand? A. I do not think so.

Q. How much do you think it was? A. I understood he sent up \$2,000 altogether.

Q. Are you sure it was not more than that? A. No, I am not sure.

PURITY FUND AGAIN

Here we have another evidence of the use to which the Purity Fund, already referred to, was applied. Might we not properly ask, did the contributors to this fund get a pledge from Mr. Miscampbell that the money paid over to him would be applied properly? They were certainly warned by his experience in the election courts that he was not a man to be trusted with the proper application of election funds. To what use was this money applied? Has Mr. Whitney ever asked a detailed account of his expenditure from Mr. Miscampbell? Does Mr. Whitney think that a Member of Parliament, unseated for corrupt practices, is the man best fitted to conduct a campaign for pure elections?

In North Grey election trial, the Conservatives attached a great deal of importance to the evidence of two witnesses, Nelson and Mallory, from Buffalo, who were employed to go to North Grey, with a view to purchase votes for the sitting member, Mackay. Both Nelson and Malloy were called during the trial, but their evidences were so discredited and their stories so thoroughly contradicted by respectable witnesses that the judges were unable to believe them. Nelson, one of the witnesses in the case, had appeared in the Buffalo police court for stealing spoons. Mr. Wright, the Conservative organizer, had taken the trouble to go all the way to Montreal to get these men to appear in Court to give evidence against Mr. Mackay.

In its report of the case, the *Toronto Mail and Empire* of September 19th, gave Mr. Aylesworth's argument, part of which is as follows:—"Proceeding, Mr. Aylesworth said that the affidavits made by the Buffalo men had been drawn by Mr

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A. W. Wright, the Conservative organizer. He regarded this as being highly important—in fact, this gave the clue to the whole conspiracy. The affidavits had been made for political purposes."

"Mr. Wright had drawn up the Buffalo men's affidavits, and he was directly interested in securing them for purposes political. He came to the Court as the colleague of Nelson and Malloy. He was no better than they were, and he was willing to share their infamy, and should be given the same punishment that they might receive."

From Judge Street's judgment, before the Court rose:—

"There is no charge whatever in regard to Vance in any of the 300 odd charges which have been added to the record here, so that we do not find it necessary to deal with any assertion that has been made in the course of the evidence as to any connection Vance may have had with the conduct of Nelson and Malloy."

WAS SULLIVAN AN AGENT?

"There is nothing whatever, in our judgment, to enable us to find that Sullivan was in any way whatever an agent for the respondent in this election. Captain Sullivan has not been called as a witness by either side, and we could not report him of being guilty of corrupt practices, as neither party has chosen to call him, and especially where the evidence against him is of the character to which I have referred. Having found that Cap. Sullivan was not an agent, no course is open to us but to dismiss these charges."

Chief Justice Moss, giving his judgment, said:—

"There is no evidence here to make out that Sullivan, if he did engage these men (Malloy and Nelson) was in any way an agent of, or acting on behalf of the respondent (Mackay). There is no evidence to connect the respondent (Mackay) with Mr. Vance, even if it could be assumed on the evidence that Mr. Vance had been concerned in bringing or engaging these persons, as they allege they had been brought into the Riding. I think out of the evidence it could not be possibly sustained that Nelson and Malloy were brought into the Riding—if brought here at all—in furtherance of any scheme concocted or put up by any one on behalf of the respondent (Mr. Mackay)."